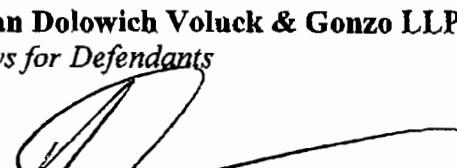


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKX
GREGORIO MENDOZA, on behalf of himself
and others similarly situated,Plaintiff,
-against-F&J STEAKS 37TH STREET, LLC D/B/A FRANKIE
AND JOHNNIES STEAKHOUSE, and VAN
PANOPOULOS,

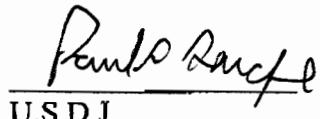
Defendants.

X
Case No. 11-CV-7096 (PGG)**STIPULATION AND ORDER
OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above captioned action, through the undersigned counsel, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, in accordance with Rule 41 of the Federal Rules of Civil Procedure, the action be dismissed with prejudice and without costs or attorneys' fees as to all claims in the above-captioned lawsuit be dismissed with prejudice, with each party to bear its own fees and costs, and further that Plaintiff is barred from bringing another claim under the Fair Labor Standards Act, New York Labor Law, or any other state, or local law, for wages, including overtime pay, for the period set forth in the Complaint.

Dated: December 15th, 2011Cilienti & Cooper, PLLC
Attorneys for PlaintiffBy: Peter Cooper, Esq. (PC-4714)
708 Third Avenue, 6th Floor
New York, New York 10017
(212) 209-3933Kaufman Dolowich Voluck & Gonzo LLP
Attorneys for DefendantsBy: Keith Gutstein, Esq. (KG-2454)
135 Crossways Park Drive, Suite 201
Woodbury, New York 11797
(516) 681-1100

So Ordered:



Dec. 15, 2011

U.S.D.J.

4823-1929-3198, v. 1